

**U.S. DEPARTMENT OF COMMERCE
TRADE FINANCE ADVISORY COUNCIL
MEMBERSHIP BALANCE PLAN**

Section 5(b)(2) of the FACA requires “...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure “that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;” and (2) “[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.” (41 CFR § 102-3.60(b)(3)).

1. **Name.** Department of Commerce Trade Finance Advisory Council.
2. **Authority.** The Department of Commerce Trade Finance Advisory Council (TFAC) was established by the Secretary of Commerce (Secretary) pursuant to duties imposed by 15 U.S.C. 1512 upon the Department of Commerce, in compliance with the Federal Advisory Committee Act (FACA), 5 U.S.C. App., as amended, and with the concurrence of the General Services Administration.
3. **Mission/Function.** The TFAC shall advise the Secretary in identifying effective ways to help expand access to finance for U.S. exporters, especially small- and medium-sized enterprises (SMEs) and their foreign buyers. The TFAC shall also provide a forum to facilitate the discussion between a diverse group of stakeholders such as banks, non-bank financial institutions, other trade finance related organizations, and exporters, to gain a better understanding regarding current challenges facing U.S. exporters in accessing capital. In addition, the TFAC shall draw upon the experience of its members in order to obtain ideas and suggestions for innovative solutions to these challenges. Finally, the TFAC shall develop recommendations on programs or activities that the Department of Commerce could incorporate as part of its export promotion and trade finance education efforts.
4. **Points of View.** The TFAC shall have up to twenty (20) members appointed by the Secretary, in accordance with applicable Department of Commerce guidance and on the basis of their ability to carry out its objectives. Members shall represent companies and organizations that are both users and providers of trade finance from a broad range of products and services, company sizes, and geographic locations and shall be drawn from large, medium, and small enterprises, private sector organizations involved in the provision of ancillary products or services, other private sector trade-finance-related entities, Economic development organizations and other U.S. regional, state, and local governmental and non-governmental organizations.

Examples of such members are as follows:

- U.S. companies that are exporters of goods and services;
- U.S. commercial banks that provide trade finance products, cross-border payment services, or foreign exchange solutions;
- Non-bank U.S. financial institutions that provide trade finance products, cross-border payment services, or foreign exchange solutions;
- Associations that represent: (a) U.S. exporters and SMEs; and (b) U.S. commercial banks or non-bank financial institutions or other professionals that facilitate international trade transactions;
- U.S. companies or entities whose business includes trade-finance-related activities or services;
- U.S. scholars and academic institutions with expertise in global business, trade finance, and international banking related subjects; and
- Economic development organizations and other U.S. regional, state, and local governmental and non-governmental organizations whose missions or activities include the analysis, provision, or facilitation of trade finance products/services.

Members of the committee will be selected, in accordance with applicable Department of Commerce guidelines, based on their ability to carry out the objectives of the Committee as set forth in their charter and in a manner that ensures that the committee is balanced in terms of points of view, industry subsector, demographics, geography, and company size. Careful review of membership structure and industry subsector representation will occur with each application for membership to ensure balanced representation on the Committee.

Members, with the exception of those from academia and public policy organizations, serve in a representative capacity and representing their own views and interests and those of their particular sector, not as special government employees. The members from academia and public policy organizations serve as experts and therefore are Special Government Employees (SGEs) and shall be subject to the ethical standards applicable to SGEs.

5. **Balance Factors.** Considerations when reviewing applications for membership and making appointments will include a broad range of companies and organizations in terms of products and services, company size, and geographic location of both the source and destination of trade finance. Members will be selected based on their ability to carry out the objectives of the TFAC, in accordance with applicable Department of Commerce guidelines, in a manner that ensures that the TFAC is balanced in terms of points of view, industry subsector, demographics, geography, and company size.

6. **Candidate Identification Process.**

- (a) **Describe the Process Used:** Candidate identification will come from various sources, including a Federal Register notice, Department of Commerce industry contacts and meetings, recommendations from industry and government sources, and outreach to relevant non-government organizations, associations and economic development organizations. Searches for candidates will continue until all vacancies are filled.
- (b) **Identify Agency Staff:** The Secretary will make final determinations, with input from the Under Secretary of Commerce for International Trade, the Assistant Secretary of Commerce for Industry and Analysis, the Office of Finance and Insurance Industries, the Office of Business Liaison and the Policy Office of the Secretary.
- (c) **Vacancies:** Should vacancies occur, the Office of Finance and Insurance Industries will use the candidate identification process specified above to fill the vacancy unless the term of the appointment would expire prior to being able to fill the vacancy.
- (d) **Membership Term Limit:** TFAC members serve for terms of two years at the pleasure of the Secretary. Members may be reappointed to any number of additional terms, provided that the member proves to work effectively on the TFAC and his/her knowledge and advice is still needed.

- 7. **Subcommittee Balance.** The Executive Director of the TFAC (the Assistant Secretary for Industry and Analysis) may establish such subcommittees of the members as may be necessary, subject to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Subcommittees must report back to the TFAC and do not provide advice or work products directly to the Secretary. The process for determining membership balance of subcommittees is the same as the process for the TFAC.
- 8. **Other.** Appointments shall be made without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability, or cultural, religious, or socioeconomic status.
- 9. **Date Prepared.** The Membership Balance Plan was prepared on February 18, 2016.